IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL ACTION NO. 3:18-CV-381-DCK

MELVIN G. BRYANT,)	
Plaintiff,)	
v.)	<u>ORDER</u>
CHARLOTTE EYE EAR NOSE &)	
THROAT ASSOCIATES, PA,)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding the filing of "Defendant's Motion For Summary Judgment" (Document No. 34) on December 20, 2019. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate.

The undersigned observes that a response to the pending dispositive motion was due by January 3, 2020. To date, *pro se* Plaintiff has failed to file a response.

In accordance with <u>Roseboro v. Garrison</u>, 582 F.2d 309 (4th Cir. 1975), the Court advises Plaintiff, who is proceeding *pro se*, that he has a right to respond to Defendant's motion. The Court also advises Plaintiff that failure to respond may result in Defendant being granted the relief it seeks, that is, a judgment in favor of Defendant on all claims.

Under the circumstances of this case, the undersigned will *sua sponte* allow *pro se* Plaintiff an extension of time to file a response.

IT IS, THEREFORE, ORDERED that Plaintiff shall file a response to "Defendant's Motion For Summary Judgment" (Document No. 34) on or before **January 17, 2020**. Failure to

file a timely and persuasive response will likely lead to judgment in favor of Plaintiff and the dismissal of this lawsuit.

The Clerk of Court is directed to send a copy of this Order to *pro se* Plaintiff by certified U.S. mail, return receipt requested.

SO ORDERED.

Signed: January 6, 2020

David C. Keesler

United States Magistrate Judge